

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIGHT SCIENCES, INC.,)	
)	C. A. No.: 21-1317-VAC-SRF
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	
IVANTIS, INC.,)	
)	
Defendant.)	

**STIPULATION AND [PROPOSED] ORDER
REGARDING ALCON ENTITIES AS PARTIES**

Alcon Research, LLC acquired defendant Ivantis, Inc. on or around January 10, 2022. On May 20, 2022, Sight Sciences, Inc. (“Sight”) notified Ivantis, Inc. (“Ivantis”) that it intended to move to amend its complaint to add three Alcon entities as defendants: Alcon Research LLC, Alcon Vision, LLC, and Alcon Inc. On June 1, 2022, Ivantis informed Sight that it would not oppose adding two of the three entities, Alcon Research LLC and Alcon Vision, LLC.

Alcon Inc. is a company organized under the laws of Switzerland with its principal executive office in Switzerland. Alcon Inc., by and through its undersigned counsel, disputes that it is subject to personal jurisdiction in Delaware. Alcon Inc., however, wishes to avoid burdening the Court with deciding the issue of jurisdiction and to conserve both the Court’s and parties’ resources. In light of the foregoing:

IT IS HEREBY STIPULATED, by and between Alcon Inc. and the parties, and subject to the approval of the Court, that:

WHEREAS, in the above-captioned action, Sight intends to move to amend its complaint to add Alcon Inc., Alcon Research LLC, and Alcon Vision, LLC as defendants, and to assert U.S. Patent 11,389,328, which issued on July 19, 2022. Sight’s proposed Second Amended Complaint is attached as Exhibit 1, and a redline comparison to its First Amended Complaint is attached as

Exhibit 2;

WHEREAS, Alcon Inc. is a company organized under the laws of Switzerland with its principal executive office in Switzerland;

WHEREAS, for the specific and limited purpose of this action only, Alcon Inc. consents to personal jurisdiction and waives service of summons as to a complaint adding it as a defendant;

WHEREAS, Alcon Inc. does not consent to personal jurisdiction in any other pending action where it is not a party, and reserves its right to object to, *inter alia*, jurisdiction or venue in any other pending or future action;

WHEREAS, by stipulating that Alcon Inc. may be added to this action, the parties agree that Alcon Inc. is not waiving its ability to raise any and all challenges to, *inter alia*, venue and jurisdiction in the District of Delaware or any other judicial district in any other pending or future action;

WHEREAS, Sight agrees that it will not use this stipulation as a basis to attempt to establish personal jurisdiction over Alcon Inc. in any future action in the District of Delaware or any other judicial district;

WHEREAS, Ivantis reserves its right to assert all of its other defenses;

WHEREAS, the parties have met and conferred and agree that Ivantis will not oppose Sight's motion to amend to add Alcon Inc., Alcon Research, LLC, and Alcon Vision, LLC as defendants in the above-captioned action, and that good cause exists for the amendment under Fed. R. Civ. P. 15(a) because Alcon Research, LLC's acquisition of Ivantis and the issuance of U.S. Patent No. 11,389,328 occurred after Sight filed its First Amended Complaint;

NOW THEREFORE it is the Order of the Court, that:

Sight Sciences, Inc. is granted leave to amend its complaint to add Alcon Inc., Alcon Research LLC, and Alcon Vision, LLC as defendants in the above-captioned action and to assert U.S. Patent No. 11,389,328, and the Clerk shall docket the Second Amended Complaint; and

The Scheduling Order (D.I. 47) is modified as follows to accommodate the addition of the '328 patent:

Event	Current Date	New Deadline
Initial invalidity contentions	9/1/2022	9/1/2022 ('482, '443, '742, and '361 patents) 9/22/2022 ('328 patent only)
Exchange claim construction terms and proposed constructions	9/15/2022	10/6/2022 (all patents)
Submit Joint Claim Construction Chart	9/29/2022	10/20/2022 (all patents)
Plaintiff to serve (but not file) opening claim construction brief	10/20/2022	11/10/2022 (all patents)
Defendants to serve (but not file) answering claim construction brief	11/17/2022	12/08/2022 (all patents)
Plaintiff to serve (but not file) reply claim construction brief	12/6/2022	12/29/2022 (all patents)
Defendants to serve (but not file) sur-reply claim construction brief	12/20/2022	1/12/2023 (all patents)
File Joint Claim Construction Brief	12/29/2022	1/19/2023 (all patents)
Plaintiff to provide final infringement contentions	5/18/2023 or 30 days after <i>Markman</i> order, whichever is <i>earlier</i>	5/18/2023 or 30 days after <i>Markman</i> order, whichever is <i>later</i>
Defendants to provide final invalidity contentions	6/8/2023 or 60 days after <i>Markman</i> order, whichever is <i>earlier</i>	6/8/2023 or 60 days after <i>Markman</i> order, whichever is <i>later</i>

No other case deadlines are affected by this Order.

YOUNG CONAWAY STARGATT & TAYLOR, LLP SHAW KELLER LLP

/s/ Melanie K. Sharp

/s/ Andrew E. Russell

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Attorneys for Ivantis, Inc.

Dated: July 29, 2022

SO ORDERED this _____ day of _____, 2022.

United States District Judge